

BOARD OF APPEALS CASE NO. 5351

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BEFORE THE

**APPLICANT: Christian & Missionary Alliance
Church of Edgewood**

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ZONING HEARING EXAMINER

**REQUEST: Variance to allow a permanent
institutional sign within the required front yard
setback; 1980 Trimble Road, Edgewood**

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 4/23/03 & 4/30/03

HEARING DATE: June 18, 2003

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Record: 4/25/03 & 5/2/03

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ZONING HEARING EXAMINER'S DECISION

The Applicant, Christian and Missionary Alliance Church of Edgewood, is requesting a variance, pursuant to Section 219-12D of the Harford County Sign Code and Section 267-36B, Table VI, of the Harford County Zoning Code, to allow a permanent institutional sign within the required 16.66 foot front yard setback (zero feet proposed), in an R3/Urban Residential District.

The subject parcel is located at 1980 Trimble Road, Edgewood, MD 21040 and is more particularly identified on Tax Map 65, Grid, 4F, Parcel 0965. The parcel consists of 3.88 acres, is zoned R3/Urban Residential and is entirely within the First Election District.

Todd E. Bean appeared for the Applicant. According to Mr. Bean, the Church, located on the corner of Trimble Road and MD Route 24 is uniquely situated. In order to be visible, the church would like to construct a permanent sign on this corner. Even though the request is to reduce the 16.66 foot required setback from the front yard setback to zero feet, the sign will still be 60 feet from the center line of Trimble Road. The sign is proposed to be 5-feet by 10-feet in size and will be backlit. The sign will have the name of the Church and a message board that allows messages to be changed. The sign will be placed perpendicular on the corner. If the variance is not granted the sign would be so far back on the property that it would be unreadable to passing motorists. No interference with lines of sight will result from the proposed placement or size of the sign according to Mr. Bean.

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Ms. Christina Frink appeared in support of the request. Ms. Frink lives at 400 Trimble Fields Drive, adjacent to the subject parcel. Ms. Frink said that she has no objections to the proposed sign size or location.

The Department of Planning and Zoning issued a staff report in this case that supports the Application. In recommending approval, the Department stated that the 60 foot right of way runs across the entire front of the property. It is impractical to locate a sign that is readable without a variance. Further, the Department found the corner lot configuration at this particular intersection unique and warranting a variance. The Department concluded that a grant of the variance would not adversely impact traffic along Route 24 or Trimble Road.

No persons appeared in opposition to the request.

CONCLUSION

The Applicant, Christian and Missionary Alliance Church of Edgewood, is requesting a variance pursuant to Section 219-12D of the Harford County Sign Code and Section 267-36B, Table VI, of the Harford County Zoning Code, to allow a permanent institutional sign within the required 16.66 foot front yard setback (zero feet proposed), in an R3/Urban Residential District.

Harford County Code Section 267-11 permits variances and provides:

"Variances from the provisions or requirements of this Code may be granted if the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest."

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Section 219-17 of the Sign Code states:

“Variances. The Board may grant a variance from the provisions of this chapter if, by reason of the configuration or irregular shape of the lot or by reason of topographic conditions or other exceptional circumstances unique to the lot or building, practical difficulty or unnecessary hardship results. The Board shall, before granting the variance, make a written finding as part of the record that the conditions or circumstances described are unique to the lot or building, that the conditions or circumstances cause the difficulty or hardship and that the variance can be granted without impairment of the purpose and provisions of this chapter.”

Section 219-12D states:

“Permanent institutional signs. Signs of a permanent nature setting forth the name of places of worship, service clubs, civic organizations, public or service centers, public institutions, schools or other similar uses shall be permitted if the setback is 1/3 of the required building setback of the district. Illumination shall be in accordance with the restrictions set forth in § 219-11. Such signs shall not exceed 54 square feet for the overall structure and shall not exceed six feet in overall height.”

For the reasons stated by the Department and the Applicant’s witnesses, the Hearing Examiner finds the subject parcel unique. It is located on a corner intersection of two heavily traveled roads, Trimble and Route 24. This creates a 60 foot setback from road centerline that traverses the entire front of the property. The existing two signs are so far back and so small that they can hardly be seen. The proposed sign size and location will not have adverse impacts, and, like most churches, the exterior sign is a means of communicating services and activities to the congregation and community at large during the week. In order to for the sign to be visible, the variance is required, and denial of this variance would create practical difficulty for the Church.

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The Hearing Examiner recommends approval of the request subject to the following conditions:

1. The Applicant obtain any and all necessary permits and inspections.
2. The two existing signs will be removed when the new sign is in place.
3. The illumination of the sign will be set to a timer so that the sign is not illuminated after 11:00 p.m. each day.

Date JULY 21, 2003

William F. Casey
Zoning Hearing Examiner